

SEABOARD SYSTEM RAILROAD

500 Water Street • Jacksonville, Florida 32202 • (904) 359-3100

Law Department
Writer's direct telephone line:

July 27, 1983

RECORDATION NO. 13979-B Filed 1426

3-210A100

JUL 29 1983 • 11 30 AM No.

INTERSTATE COMMERCE COMMISSION

Honorable Agatha L. Mergenovich
Secretary
Interstate Commerce Commission
Washington, D. C. 20423

ICC Washington, D. C.

Dear Mrs. Mergenovich:

I am enclosing for filing and recordation under the provisions of 49 USC §11303 executed counterparts Nos. 1, 2 and 3 of a Second Amendment to an Interim Use Agreement dated as of February 15, 1983 which was filed on March 7, 1983 at 10:15 A.M. and assigned recordation number 13979 and amended by an Amendment dated as of March 31, 1983, which was filed on April 5, 1983 and assigned recordation number 13979-A.

I am also enclosing this Company's draft for \$10 covering the recordation fee. Counterparts Nos. 2 and 3 should be returned to me at 500 Water Street, Jacksonville, Florida 32202.

Yours very truly,

Edward C. Tannen

Edward C. Tannen
Assistant General Solicitor

RECEIVED
JUL 29 11 22 AM '83
FEE OPERATION DR.
I.C.C.

Interstate Commerce Commission
Washington, D.C. 20423

OFFICE OF THE SECRETARY

Edward C. Tannen
Assistant Gen. Solicitor
Seaboard System RR Co.
500 Water Street
Jacksonville, Florida 32202

July 29, 1983

Dear Sir:

The enclosed document(s) was recorded pursuant to the provisions of Section 11303 of the Interstate Commerce Act, 49 U.S.C. 11303, on 7/29/83 at 11:30AM , and assigned re-recording number(s). 13979-B

Sincerely yours,

Agatha L. Mergenovich
Agatha L. Mergenovich
Secretary

Enclosure(s)

RECORDATION NO. 13979-B
JUL 29 1983 - 11:40 AM
INTERSTATE COMMERCE COMMISSION

Counterpart No. 3
of 3 Counterparts

SECOND AMENDMENT TO INTERIM USE AGREEMENT

AMENDMENT, dated as of May 31, 1983, by and between Atlantic Land and Improvement Company ("AL&I") and Seaboard System Railroad, Inc. ("SBD"), both Virginia corporations.

Whereas, the parties hereto have entered into an Interim Use Agreement dated as of February 15, 1983, which was amended by an Amendment dated as of March 31, 1983, pursuant to which AL&I permitted SBD to use 25 Model SD-50 locomotives bearing road numbers SBD 8500-8524, inclusive, owned by AL&I pending the completion of financing arrangements by SBD; and

Whereas, said Interim Use Agreement expires on the earlier of May 31, 1983 or the date of payment of the purchase price of said locomotives; and

Whereas, SBD will not have its financing arrangements completed by May 31, 1983, and desires the continued use of said locomotives; and

Whereas, AL&I is willing to permit SBD to use said locomotives as bailee pending completion of financing arrangements;

Now, Therefore, the parties hereto hereby agree that the Interim Use Agreement dated as of February 15, 1983 shall not expire on May 31, 1983, but shall continue until August 31, 1983 or the date of payment of the purchase price of the locomotives, whichever is earlier.

ATLANTIC LAND AND IMPROVEMENT COMPANY

Attest:

By

H. L. Snyder
Vice President & Treasurer

Robert J. Hall

SEABOARD SYSTEM RAILROAD, INC.

Attest:

By

H. L. Snyder
Vice President-Treasurer

Robert J. Hall

STATE OF FLORIDA)
) SS:
COUNTY OF DUVAL)

On this 27th day of July, 1983, before me personally appeared H. L. Snyder, to me personally known, who, being by me duly sworn, says that he is Vice President & Treasurer of Atlantic Land and Improvement Company, that one of the seals affixed to the foregoing instrument is the corporate seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

(Notarial Seal)


STATE OF FLORIDA)
) SS:
COUNTY OF DUVAL)

On this 27th day of July, 1983, before me personally appeared H. L. Snyder, to me personally known, who, being by me duly sworn, says that he is Vice President-Treasurer of Seaboard System Railroad, Inc., that one of the seals affixed to the foregoing instrument is the corporate seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

(Notarial Seal)


Notary

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES FEB. 9, 1985
BONDED THROUGH MUROSKI-ASHTON INC


Notary

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES FEB. 9, 1985
BONDED THROUGH MUROSKI-ASHTON INC